



Entered on Docket  
August 31, 2009

A handwritten signature in black ink, appearing to read "Bruce A. Markell".

Hon. Bruce A. Markell  
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF NEVADA**

Re: ) Case No. 09-22121-BAM  
)  
Ricardo and Mayra Quezada, ) Chapter 13  
)  
Debtors. ) Hearing Date: August 20, 2009  
) Hearing Time: 3:30 p.m.

**ORDER GRANTING MOTION TO VALUE COLLATERAL,  
"STRIP OFF", "CRAM DOWN" AND MODIFY RIGHTS OF LENDER**

Upon the motion (the "**Motion**") of Ricardo and Mayra Quezada, the Debtors in the above captioned proceeding (the "**Debtors**"), for their investment property located at 5910 N. Juliano Road, Las Vegas, Nevada 89149 ("**Subject Property**"), requesting entry of an order to Value Collateral, "Strip Off", "Cram Down" and Modify Rights of Countrywide Home Loans ("**Countrywide**") pursuant to 11 U.S.C. § 506(a) and § 1322 finding that the second lien is unsecured; and due notice of the Motion and the hearing of the Motion having been given to all parties entitled thereto; and a hearing having been held before this Court on August 20, 2009 (the "**Hearing**"), to consider approval of the Motion, at which time all parties in interest were afforded an opportunity to be heard; and the Court finding that the property has a value of \$325,000.00; it is hereby:

**ORDERED** that the Motion is **GRANTED**; it is further

**ORDERED** that Countrywide's secured first lien claims, loan number 6683002680472 (the "**First Loan**"), are only partially secured and thus must be bifurcated into secured and

1 unsecured claims as follows: \$325,000.00 and \$126,869.00, respectively; and it is further

2 **ORDERED** that Countrywide's secured second lien claims, loan number 118049200 (the  
3 "Second Loan"), are "Stripped Off" and shall be treated "general unsecured claims" pursuant to  
4 11 U.S.C. Section 506(a); and it is further

5  
6 **ORDERD** that the Second Loan and the unsecured portion of the First Loan be  
7 reclassified as general unsecured claims to be paid pro rata with other general unsecured  
8 creditors through the Debtor's Chapter 13 plan; and it is further

9  
10 **ORDERED** that the Second Loan secured rights and/or lien-holder rights in the Subject  
11 Property are hereby terminated; and it is further

12  
13 **ORDERED** that the Debtor must complete her Chapter 13 plan and receive a discharge  
14 or the liens may be reinstated; and it is further

15  
16 **ORDERED** that as provided by Fed. R. Bankr. P. 7062, this Order shall be effective and  
17 enforceable immediately upon entry.

18  
19 Submitted by:  
20 The Schwartz Law Firm, Inc.

21 By /s/ Sean McClenahan  
22 Sean McClenahan #10141  
23 Attorneys for Plaintiff

\_\_\_\_\_  
Rick A. Yarnall  
Chapter 13 Trustee

**SUBMISSION TO COUNSEL FOR APPROVAL PURSUANT TO LR 9021**

In accordance with LR 9021, counsel submitting this document certifies as follows (check one):

☒ The court has waived the requirement of approval under LR 9021.

☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.

☐ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

APPROVED:

DISAPPROVED:

FAILED TO RESPOND: